

## Union Calendar No. 663

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3764

[Report No. 114-847]

To provide that an Indian group may receive Federal acknowledgment as an Indian tribe only by an Act of Congress, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 7, 2016

Additional sponsors: Mr. GOSAR and Mr. GOODLATTE

DECEMBER 7, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 20, 2015]

# **A BILL**

To provide that an Indian group may receive Federal acknowledgment as an Indian tribe only by an Act of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 ***TITLE I—FEDERAL RECOGNI-***  
4 ***TION OF INDIAN TRIBES, GEN-***  
5 ***ERALLY***

6 ***SEC. 101. SHORT TITLE.***

7 *This title may be cited as the “Tribal Recognition Act*  
8 *of 2016”.*

9 ***SEC. 102. FINDINGS.***

10 *Congress finds as follows:*

11 *(1) Article I, section 8, clause 3 of the Constitu-*  
12 *tion (commonly known as the “Indian Commerce*  
13 *Clause”) gives Congress authority over Indian affairs.*

14 *(2) Such authority is plenary and exclusive.*

15 *(3) Such authority may not be exercised by the*  
16 *executive branch, except as expressly delegated by an*  
17 *Act of Congress (or by a treaty ratified by the Senate*  
18 *before March 1871).*

19 ***SEC. 103. DEFINITIONS.***

20 *As used in this title:*

21 *(1) ASSISTANT SECRETARY.—The term “Assist-*  
22 *ant Secretary” means the Assistant Secretary of In-*  
23 *Indian Affairs, or that officer’s authorized representa-*  
24 *tive.*

1           (2) *AUTONOMOUS.*—The term “autonomous”  
2           means the exercise of political influence or authority  
3           independent of the control of any other Indian gov-  
4           erning entity. Autonomous must be understood in the  
5           context of the history, geography, culture and social  
6           organization of the petitioning group.

7           (3) *COMMUNITY.*—The term “Community”  
8           means any group of people which can demonstrate  
9           that consistent interactions and significant social re-  
10          lationships exist within its membership and that its  
11          members are differentiated from and identified as dis-  
12          tinct from nonmembers. Community must be under-  
13          stood in the context of the history, geography, culture  
14          and social organization of the group.

15          (4) *CONTINENTAL UNITED STATES.*—The term  
16          “continental United States” means the contiguous 48  
17          States and Alaska.

18          (5) *CONTINUOUSLY OR CONTINUOUS.*—The term  
19          “continuously or continuous” means extending from  
20          first sustained contact with non-Indians throughout  
21          the group’s history to the present substantially with-  
22          out interruption.

23          (6) *DOCUMENTED PETITION.*—The term “docu-  
24          mented petition” means the detailed arguments made  
25          by a petitioner to substantiate its claim to continuous

1 *existence as an Indian tribe, together with the factual*  
2 *exposition and all documentary evidence necessary to*  
3 *demonstrate that these arguments address the manda-*  
4 *tory criteria.*

5 (7) *HISTORICALLY, HISTORICAL OR HISTORY.*—  
6 *The term “historically, historical or history” means*  
7 *dating from first sustained contact with non-Indians.*

8 (8) *INDIAN GROUP OR GROUP.*—*The term “In-*  
9 *Indian group or group” means any Indian or Alaska*  
10 *Native aggregation within the continental United*  
11 *States that the Secretary of the Interior does not ac-*  
12 *knowledge to be an Indian tribe. Indian tribe, also re-*  
13 *ferred to herein as tribe, means any Indian or Alaska*  
14 *Native tribe, band, pueblo, village, or community*  
15 *within the continental United States that the Sec-*  
16 *retary of the Interior has lawfully acknowledged as*  
17 *an Indian tribe.*

18 (9) *INDIGENOUS.*—*The term “indigenous” means*  
19 *native to the continental United States in that at*  
20 *least part of the petitioner’s territory at the time of*  
21 *sustained contact extended into what is now the conti-*  
22 *ental United States.*

23 (10) *INFORMED PARTY.*—*The term “informed*  
24 *party” means any person or organization, other than*  
25 *an interested party, who requests an opportunity to*

1        *submit comments or evidence or to be kept informed*  
2        *of general actions regarding a specific petitioner.*

3            (11) *INTERESTED PARTY.*—*The term “interested*  
4        *party” means any person, organization or other enti-*  
5        *ty who can establish a legal, factual or property in-*  
6        *terest in an acknowledgment determination and who*  
7        *requests an opportunity to submit comments or evi-*  
8        *dence or to be kept informed of general actions re-*  
9        *garding a specific petitioner. “Interested party” in-*  
10       *cludes the governor and attorney general of the State*  
11       *in which a petitioner is located, and may include, but*  
12       *is not limited to, local governmental units, and any*  
13       *recognized Indian tribes and unrecognized Indian*  
14       *groups that might be affected by an acknowledgment*  
15       *determination.*

16           (12) *LETTER OF INTENT.*—*The term “letter of*  
17        *intent” means an undocumented letter or resolution*  
18        *by which an Indian group requests Federal acknowl-*  
19        *edgment as an Indian tribe and expresses its intent*  
20        *to submit a documented petition.*

21           (13) *PETITIONER.*—*The term “petitioner” means*  
22        *any entity that has submitted a letter of intent to the*  
23        *Secretary requesting acknowledgment that it is an In-*  
24        *dian tribe.*

1           (14) *POLITICAL INFLUENCE OR AUTHORITY.*—  
2           *The term “political influence or authority” means a*  
3           *tribal council, leadership, internal process or other*  
4           *mechanism which the group has used as a means of*  
5           *influencing or controlling the behavior of its members*  
6           *in significant respects, and/or making decisions for*  
7           *the group which substantially affect its members, and/*  
8           *or representing the group in dealing with outsiders in*  
9           *matters of consequence. This process is to be under-*  
10          *stood in the context of the history, culture and social*  
11          *organization of the group.*

12          (15) *PREVIOUS FEDERAL ACKNOWLEDGMENT.*—  
13          *The term “previous Federal acknowledgment” means*  
14          *action by the Federal Government clearly premised on*  
15          *identification of a tribal political entity and indi-*  
16          *cating clearly the recognition of a relationship be-*  
17          *tween that entity and the United States.*

18          (16) *SECRETARY.*—*The term “Secretary” means*  
19          *the Secretary of the Interior or that officer’s author-*  
20          *ized representative.*

21          (17) *SUSTAINED CONTACT.*—*The term “sustained*  
22          *contact” means the period of earliest sustained non-*  
23          *Indian settlement and/or governmental presence in*  
24          *the local area in which the historical tribe or tribes*

1       *from which the petitioner descends was located his-*  
2       *torically.*

3       **SEC. 104. GROUPS ELIGIBLE TO SUBMIT PETITIONS.**

4       (a) *ELIGIBLE GROUPS.*—*Indian groups indigenous to*  
5       *the continental United States that are not federally recog-*  
6       *nized Indian tribes on the date of the enactment of this Act*  
7       *may submit a petition under this title.*

8       (b) *INELIGIBLE GROUPS.*—*The following may not sub-*  
9       *mit a petition under this title:*

10               (1) *Splinter groups, political factions, commu-*  
11               *nities or groups of any character that separate from*  
12               *the main body of a federally recognized Indian tribe,*  
13               *unless they can establish clearly that they have func-*  
14               *tioned throughout history until the present as an au-*  
15               *tonomous tribal entity, even if they have been re-*  
16               *garded by some as part of or have been associated in*  
17               *some manner with a federally recognized Indian*  
18               *tribe.*

19               (2) *Indian tribes, organized bands, pueblos, Alas-*  
20               *ka native villages, or communities that have been*  
21               *lawfully acknowledged to be federally recognized In-*  
22               *Indian tribes and are receiving services from the Bu-*  
23               *reau of Indian Affairs.*

24               (3) *Groups that petitioned and were denied Fed-*  
25               *eral acknowledgment under part 83 of title 25, Code*

1       of *Federal Regulations*, including reorganized or re-  
2       constituted petitioners previously denied, or splinter  
3       groups, spin-offs, or component groups of any type  
4       that were once part of petitioners previously denied.

5               (4) Groups for which a documented petition has  
6       not been filed pursuant to section 109 by the date that  
7       is five years after the date of the enactment of this  
8       Act.

9       (c) *GROUPS WITH PETITIONS IN PROGRESS.*—This  
10      title, including the criteria in section 107, shall apply to  
11      any Indian group whose documented petition was sub-  
12      mitted and not denied on the date of the enactment of this  
13      Act.

14      **SEC. 105. FILING A LETTER OF INTENT.**

15      Any Indian group in the continental United States  
16      that believes it should be acknowledged as an Indian tribe  
17      and that it can satisfy the criteria in this title may submit  
18      a letter of intent requesting acknowledgment that an Indian  
19      group exists as an Indian tribe. The letter of intent sub-  
20      mitted under this section—

21               (1) shall be filed with the Assistant Secretary—  
22      Indian Affairs, Department of the Interior;

23               (2) may be filed in advance of, or at the same  
24      time as, a group's documented petition; and

1           (3) shall be produced, dated and signed by the  
2           governing body of an Indian group.

3 **SEC. 106. DUTIES OF THE ASSISTANT SECRETARY.**

4           (a) *GUIDELINES.*—The Assistant Secretary shall make  
5           available guidelines for the preparation of documented peti-  
6           tions. These guidelines shall—

7           (1) include an explanation of the criteria, a dis-  
8           cussion of the types of evidence which may be used to  
9           demonstrate particular criteria, and general sugges-  
10          tions and guidelines on how and where to conduct re-  
11          search;

12          (2) include an example of a documented petition  
13          format which shall provide guidance, but not preclude  
14          the use of any other format; and

15          (3) may be supplemented or updated as nec-  
16          essary.

17          (b) *RESEARCH AND PREPARATION OF PETITION.*—The  
18          Assistant Secretary—

19          (1) shall provide petitioners with suggestions and  
20          advice regarding preparation of the documented peti-  
21          tion; and

22          (2) shall not be responsible for the actual re-  
23          search on behalf of the petitioner.

1 **SEC. 107. CRITERIA FOR FEDERAL ACKNOWLEDGMENT.**

2 *The criteria for consideration for Federal acknowledg-*  
3 *ment is, at a minimum, the following:*

4 *(1) The petitioner has been identified as an*  
5 *American Indian entity on a substantially contin-*  
6 *uous basis since 1900. Evidence that the group's char-*  
7 *acter as an Indian entity has from time to time been*  
8 *denied shall not be considered to be conclusive evi-*  
9 *dence that this criterion has not been met. Evidence*  
10 *to be relied upon in determining a group's Indian*  
11 *identity may include one or a combination of the fol-*  
12 *lowing, as well as other evidence of identification by*  
13 *other than the petitioner itself or its members:*

14 *(A) Identification as an Indian entity by*  
15 *Federal authorities.*

16 *(B) Relationships with State governments*  
17 *based on identification of the group as Indian.*

18 *(C) Dealings with a county, parish, or other*  
19 *local government in a relationship based on the*  
20 *group's Indian identity.*

21 *(D) Identification as an Indian entity by*  
22 *anthropologists, historians, and/or other scholars.*

23 *(E) Identification as an Indian entity in*  
24 *newspapers and books.*

1           (F) *Identification as an Indian entity in*  
2           *relationships with Indian tribes or with na-*  
3           *tional, regional, or State Indian organizations.*

4           (2) *A predominant portion of the petitioning*  
5           *group comprises a distinct community and has ex-*  
6           *isted as a community from historical times until the*  
7           *present.*

8           (A) *This criterion may be demonstrated by*  
9           *some combination of the following evidence and/*  
10          *or other evidence that the petitioner meets the*  
11          *definition of community:*

12                 (i) *Significant rates of marriage with-*  
13                 *in the group, and/or, as may be culturally*  
14                 *required, patterned out-marriages with*  
15                 *other Indian populations.*

16                 (ii) *Significant social relationships*  
17                 *connecting individual members.*

18                 (iii) *Significant rates of informal so-*  
19                 *cial interaction which exist broadly among*  
20                 *the members of a group.*

21                 (iv) *A significant degree of shared or*  
22                 *cooperative labor or other economic activity*  
23                 *among the membership.*

1                   (v) *Evidence of strong patterns of dis-*  
2                   *crimination or other social distinctions by*  
3                   *nonmembers.*

4                   (vi) *Shared sacred or secular ritual ac-*  
5                   *tivity encompassing most of the group.*

6                   (vii) *Cultural patterns shared among a*  
7                   *significant portion of the group that are*  
8                   *different from those of the non-Indian popu-*  
9                   *lations with whom it interacts. These pat-*  
10                   *terns must function as more than a sym-*  
11                   *bolic identification of the group as Indian.*  
12                   *They may include, but are not limited to,*  
13                   *language, kinship organization, or religious*  
14                   *beliefs and practices.*

15                   (viii) *The persistence of a named, col-*  
16                   *lective Indian identity continuously over a*  
17                   *period of more than 50 years, notwith-*  
18                   *standing changes in name.*

19                   (ix) *A demonstration of historical po-*  
20                   *litical influence under the criterion in para-*  
21                   *graph (3) shall be evidence for dem-*  
22                   *onstrating historical community.*

23                   (B) *A petitioner shall be considered to have*  
24                   *provided sufficient evidence of community at a*

1           *given point in time if evidence is provided to*  
2           *demonstrate any one of the following:*

3                     *(i) More than 50 percent of the mem-*  
4                     *bers reside in a geographical area exclu-*  
5                     *sively or almost exclusively composed of*  
6                     *members of the group, and the balance of*  
7                     *the group maintains consistent interaction*  
8                     *with some members of the community.*

9                     *(ii) At least 50 percent of the mar-*  
10                    *riages in the group are between members of*  
11                    *the group.*

12                    *(iii) At least 50 percent of the group*  
13                    *members maintain distinct cultural pat-*  
14                    *terns such as, but not limited to, language,*  
15                    *kinship organization, or religious beliefs*  
16                    *and practices.*

17                    *(iv) There are distinct community so-*  
18                    *cial institutions encompassing most of the*  
19                    *members, such as kinship organizations,*  
20                    *formal or informal economic cooperation, or*  
21                    *religious organizations.*

22                    *(v) The group has met the criterion in*  
23                    *paragraph (3) using evidence described in*  
24                    *paragraph (3)(B).*

1           (3) *The petitioner has maintained political in-*  
2 *fluence or authority over its members as an autono-*  
3 *mous entity from historical times until the present.*

4           (A) *This criterion may be demonstrated by*  
5 *some combination of the evidence listed below*  
6 *and/or by other evidence that the petitioner*  
7 *meets the definition of political influence or au-*  
8 *thority:*

9           (i) *The group is able to mobilize sig-*  
10 *nificant numbers of members and signifi-*  
11 *cant resources from its members for group*  
12 *purposes.*

13           (ii) *Most of the membership considers*  
14 *issues acted upon or actions taken by group*  
15 *leaders or governing bodies to be of impor-*  
16 *tance.*

17           (iii) *There is widespread knowledge,*  
18 *communication and involvement in polit-*  
19 *ical processes by most of the group's mem-*  
20 *bers.*

21           (iv) *The group meets the criterion in*  
22 *paragraph (2) at more than a minimal*  
23 *level.*

24           (v) *There are internal conflicts which*  
25 *show controversy over valued group goals,*

1            *properties, policies, processes and/or deci-*  
2            *sions.*

3            *(B) A petitioning group shall be considered*  
4            *to have provided sufficient evidence to dem-*  
5            *onstrate the exercise of political influence or au-*  
6            *thority at a given point in time by dem-*  
7            *onstrating that group leaders and/or other mech-*  
8            *anisms exist or existed which—*

9                    *(i) allocate group resources such as*  
10                  *land, residence rights and the like on a con-*  
11                  *sistent basis;*

12                    *(ii) settle disputes between members or*  
13                  *subgroups by mediation or other means on*  
14                  *a regular basis;*

15                    *(iii) exert strong influence on the be-*  
16                  *havior of individual members, such as the*  
17                  *establishment or maintenance of norms and*  
18                  *the enforcement of sanctions to direct or*  
19                  *control behavior; and*

20                    *(iv) organize or influence economic*  
21                  *subsistence activities among the members,*  
22                  *including shared or cooperative labor.*

23                  *(C) A group that has met the requirements*  
24                  *in paragraph (2)(B) at a given point in time*  
25                  *shall be considered to have provided sufficient*

1           *evidence to meet this criterion at that point in*  
2           *time.*

3           (4) *A copy of the group's present governing docu-*  
4           *ment including its membership criteria. In the ab-*  
5           *sence of a written document, the petitioner must pro-*  
6           *vide a statement describing in full its membership*  
7           *criteria and current governing procedures.*

8           (5) *The petitioner's membership consists of indi-*  
9           *viduals who descend from a historical Indian tribe or*  
10          *from historical Indian tribes which combined and*  
11          *functioned as a single autonomous political entity.*

12           (A) *Some types of evidence that can be used*  
13          *for this purpose include the following:*

14           (i) *Rolls prepared by the Secretary on*  
15          *a descendancy basis for purposes of distrib-*  
16          *uting claims money, providing allotments,*  
17          *or other purposes.*

18           (ii) *State, Federal, or other official*  
19          *records or evidence identifying present*  
20          *members or ancestors of present members as*  
21          *being descendants of a historical tribe or*  
22          *tribes that combined and functioned as a*  
23          *single autonomous political entity.*

24           (iii) *Church, school, and other similar*  
25          *enrollment records identifying present mem-*

1            *bers or ancestors of present members as*  
2            *being descendants of a historical tribe or*  
3            *tribes that combined and functioned as a*  
4            *single autonomous political entity.*

5            *(iv) Affidavits of recognition by tribal*  
6            *elders, leaders, or the tribal governing body*  
7            *identifying present members or ancestors of*  
8            *present members as being descendants of a*  
9            *historical tribe or tribes that combined and*  
10           *functioned as a single autonomous political*  
11           *entity.*

12           *(v) Other records or evidence identi-*  
13           *fying present members or ancestors of*  
14           *present members as being descendants of a*  
15           *historical tribe or tribes that combined and*  
16           *functioned as a single autonomous political*  
17           *entity.*

18           *(B) The petitioner must provide an official*  
19           *membership list, separately certified by the*  
20           *group's governing body, of all known current*  
21           *members of the group. This list must include*  
22           *each member's full name (including maiden*  
23           *name), date of birth, and current residential ad-*  
24           *dress. The petitioner must also provide a copy of*  
25           *each available former list of members based on*

1           *the group's own defined criteria, as well as a*  
2           *statement describing the circumstances sur-*  
3           *rounding the preparation of the current list and,*  
4           *insofar as possible, the circumstances sur-*  
5           *rounding the preparation of former lists.*

6           (6) *The membership of the petitioning group is*  
7           *composed principally of persons who are not members*  
8           *of any acknowledged North American Indian tribe.*  
9           *However, under certain conditions a petitioning*  
10          *group may be acknowledged even if its membership is*  
11          *composed principally of persons whose names have*  
12          *appeared on rolls of, or who have been otherwise asso-*  
13          *ciated with, an acknowledged Indian tribe. The condi-*  
14          *tions are that the group must establish that it has*  
15          *functioned throughout history until the present as a*  
16          *separate and autonomous Indian tribal entity, that*  
17          *its members do not maintain a bilateral political re-*  
18          *lationship with the acknowledged tribe, and that its*  
19          *members have provided written confirmation of their*  
20          *membership in the petitioning group.*

21          (7) *Neither the petitioner nor its members are*  
22          *the subject of congressional legislation that has ex-*  
23          *pressly terminated or forbidden the Federal relation-*  
24          *ship.*

1 **SEC. 108. PREVIOUS FEDERAL ACKNOWLEDGMENT.**

2       (a) *IN GENERAL.*—Unambiguous previous Federal ac-  
3 knowledge shall be acceptable evidence of the tribal  
4 character of a petitioner to the date of the last such previous  
5 acknowledgment. If a petitioner provides substantial evi-  
6 dence of unambiguous Federal acknowledgment, the peti-  
7 tioner shall only be required to demonstrate that it meets  
8 the requirements of section 107 to the extent required by  
9 this section. A determination of the adequacy of the evidence  
10 of previous Federal action acknowledging tribal status shall  
11 be made during the technical assistance review of the docu-  
12 mented petition conducted pursuant to section 110(b).

13       (b) *EVIDENCE.*—Evidence to demonstrate previous  
14 Federal acknowledgment includes evidence that the group—

15           (1) has had treaty relations with the United  
16 States;

17           (2) has been denominated a tribe by an Act of  
18 Congress or Executive order; and

19           (3) has been treated by the Federal Government  
20 as having collective rights in tribal lands or funds.

21 **SEC. 109. NOTICE OF RECEIPT OF A PETITION.**

22       (a) *IN GENERAL.*—Not later than 30 days after receiv-  
23 ing a letter of intent, or a documented petition if a letter  
24 of intent has not previously been received and noticed, the  
25 Assistant Secretary shall acknowledge to the sender such re-  
26 ceipt in writing. Notice under this subsection shall—

1           (1) *include the name, location, and mailing ad-*  
2 *dress of the petitioner and such other information to*  
3 *identify the entity submitting the letter of intent or*  
4 *documented petition and the date it was received;*

5           (2) *serve to announce the opportunity for inter-*  
6 *ested parties and informed parties to submit factual*  
7 *or legal arguments in support of or in opposition to*  
8 *the petitioner's request for acknowledgment or to re-*  
9 *quest to be kept informed of all general actions affect-*  
10 *ing the petition; and*

11           (3) *indicate where a copy of the letter of intent*  
12 *and the documented petition may be examined.*

13           (b) *NOTICE TO STATE GOVERNMENTS.—The Assistant*  
14 *Secretary shall notify, in writing—*

15           (1) *the Governor and Attorney General of the*  
16 *State or States in which a petitioner is located; and*

17           (2) *any recognized tribe and any other petitioner*  
18 *that—*

19                   (A) *appears to have a historical or present*  
20 *relationship with the petitioner; or*

21                   (B) *may otherwise be considered to have a*  
22 *potential interest in the acknowledgment deter-*  
23 *mination.*

24           (c) *PUBLICATION.—Not later than 60 days after receiv-*  
25 *ing a letter of intent, or a documented petition if a letter*

1 *of intent has not previously been received and noticed, the*  
2 *Assistant Secretary shall have the notice required under this*  
3 *section published—*

4 *(1) in the Federal Register; and*

5 *(2) in a major newspaper or newspapers of gen-*  
6 *eral circulation in the town or city nearest to the pe-*  
7 *itioner.*

8 **SEC. 110. PROCESSING OF THE DOCUMENTED PETITION.**

9 *(a) REVIEW.—Upon receipt of a documented petition,*  
10 *the Assistant Secretary—*

11 *(1) shall cause a review to be conducted to deter-*  
12 *mine the extent to which the petitioner has met the*  
13 *criteria set forth in section 107;*

14 *(2) shall include consideration of the documented*  
15 *petition and the factual statements contained therein;*

16 *(3) may initiate other research for any purpose*  
17 *relative to analyzing the documented petition and ob-*  
18 *taining additional information about the petitioner's*  
19 *status; and*

20 *(4) may consider any evidence which may be*  
21 *submitted by interested parties or informed parties.*

22 *(b) TECHNICAL ASSISTANCE.—*

23 *(1) Prior to review of the documented petition*  
24 *under subsection (a), the Assistant Secretary shall*

1       conduct a preliminary review of the petition in order  
2       to provide technical assistance to the petitioner.

3               (2) The review under paragraph (1) shall be a  
4       preliminary review for the purpose of providing the  
5       petitioner an opportunity to supplement or revise the  
6       documented petition prior to the review under para-  
7       graph (1). Insofar as possible, technical assistance re-  
8       views under this paragraph will be conducted in the  
9       order of receipt of documented petitions. However,  
10      technical assistance reviews will not have priority  
11      over active consideration of documented petitions.

12              (3) After the technical assistance review, the As-  
13      sistant Secretary shall notify the petitioner by letter  
14      of any obvious deficiencies or significant omissions  
15      apparent in the documented petition and provide the  
16      petitioner with an opportunity to withdraw the docu-  
17      mented petition for further work or to submit addi-  
18      tional information.

19              (4) If a petitioner's documented petition claims  
20      previous Federal acknowledgment or includes evidence  
21      of previous Federal acknowledgment, the technical as-  
22      sistance review shall also include a review to deter-  
23      mine whether that evidence is sufficient to meet the  
24      requirements of previous Federal acknowledgment.

25      (c) *RESPONSE TO TECHNICAL ASSISTANCE REVIEW.*—

1           (1) *Petitioners may respond in part or in full to*  
2 *the technical assistance review letter or request, in*  
3 *writing, that the Assistant Secretary proceed with the*  
4 *active consideration of the documented petition using*  
5 *the materials already submitted.*

6           (2) *If the petitioner requests that the materials*  
7 *submitted in response to the technical assistance re-*  
8 *view letter be again reviewed for adequacy, the Assist-*  
9 *ant Secretary shall provide the additional review.*

10          (3) *If the assertion of previous Federal acknowl-*  
11 *edgment under section 108 cannot be substantiated*  
12 *during the technical assistance review, the petitioner*  
13 *may respond by providing additional evidence. A pe-*  
14 *titioner that claims previous Federal acknowledgment*  
15 *and fails to respond to a technical assistance review*  
16 *letter under this subsection, or whose response fails to*  
17 *establish the claim, shall have its documented petition*  
18 *considered on the same basis as documented petitions*  
19 *submitted by groups not claiming previous Federal*  
20 *acknowledgment. Petitioners that fail to demonstrate*  
21 *previous Federal acknowledgment after a review of*  
22 *materials submitted in response to the technical as-*  
23 *istance review shall be so notified. Such petitioners*  
24 *may submit additional materials concerning previous*

1       *acknowledgment during the course of active consider-*  
2       *ation.*

3       (d) *CONSIDERATION OF DOCUMENTED PETITIONS.*—

4       *The Assistant Secretary shall—*

5               (1) *review documented petitions in the order that*  
6               *they are determined ready for review;*

7               (2) *establish and maintain a numbered register*  
8               *of documented petitions which have been determined*  
9               *ready for active consideration;*

10              (3) *maintain a numbered register of letters of in-*  
11              *tent or incomplete petitions based on the original date*  
12              *received by the Department of the Interior; and*

13              (4) *use the register of letters of intent or incom-*  
14              *plete petitions to determine the order of review by the*  
15              *Assistant Secretary if two or more documented peti-*  
16              *tions are determined ready for review on the same*  
17              *date.*

18       (e) *REPORT.*—*Not later than 1 year after notifying the*  
19       *petitioner that review of the documented petition has begun,*  
20       *the Assistant Secretary shall—*

21              (1) *submit a report including a summary of the*  
22              *evidence, findings, petition, and supporting docu-*  
23              *mentation, to the Committee on Natural Resources of*  
24              *the House of Representatives and the Committee on*  
25              *Indian Affairs of the Senate;*



1 **TITLE II—FEDERAL RECOGNI-**  
2 **TION OF VIRGINIA INDIAN**  
3 **TRIBES**

4 **SEC. 201. SHORT TITLE.**

5 *This title may be cited as the “Thomasina E. Jordan*  
6 *Indian Tribes of Virginia Federal Recognition Act of*  
7 *2016”.*

8 **SEC. 202. INDIAN CHILD WELFARE ACT OF 1978.**

9 *Nothing in this title affects the application of section*  
10 *109 of the Indian Child Welfare Act of 1978 (25 U.S.C.*  
11 *1919).*

12 **Subtitle A—Chickahominy Indian**  
13 **Tribe**

14 **SEC. 211. FINDINGS.**

15 *Congress finds that—*

16 *(1) in 1607, when the English settlers set shore*  
17 *along the Virginia coastline, the Chickahominy In-*  
18 *Indian Tribe was one of about 30 tribes that received*  
19 *them;*

20 *(2) in 1614, the Chickahominy Indian Tribe en-*  
21 *tered into a treaty with Sir Thomas Dale, Governor*  
22 *of the Jamestown Colony, under which—*

23 *(A) the Chickahominy Indian Tribe agreed*  
24 *to provide 2 bushels of corn per man and send*  
25 *warriors to protect the English; and*

1           (B) *Sir Thomas Dale* agreed in return to  
2           *allow the Tribe to continue to practice its own*  
3           *tribal governance;*

4           (3) *in 1646, a treaty was signed which forced the*  
5           *Chickahominy from their homeland to the area*  
6           *around the York Mattaponi River in present-day*  
7           *King William County, leading to the formation of a*  
8           *reservation;*

9           (4) *in 1677, following Bacon's Rebellion, the*  
10          *Queen of Pamunkey signed the Treaty of Middle*  
11          *Plantation on behalf of the Chickahominy;*

12          (5) *in 1702, the Chickahominy were forced from*  
13          *their reservation, which caused the loss of a land base;*

14          (6) *in 1711, the College of William and Mary in*  
15          *Williamsburg established a grammar school for Indi-*  
16          *ans called Brafferton College;*

17          (7) *a Chickahominy child was one of the first In-*  
18          *dians to attend Brafferton College;*

19          (8) *in 1750, the Chickahominy Indian Tribe*  
20          *began to migrate from King William County back to*  
21          *the area around the Chickahominy River in New*  
22          *Kent and Charles City Counties;*

23          (9) *in 1793, a Baptist missionary named*  
24          *Bradby took refuge with the Chickahominy and took*  
25          *a Chickahominy woman as his wife;*

1           (10) in 1831, the names of the ancestors of the  
2           modern-day Chickahominy Indian Tribe began to ap-  
3           pear in the Charles City County census records;

4           (11) in 1901, the Chickahominy Indian Tribe  
5           formed Samaria Baptist Church;

6           (12) from 1901 to 1935, Chickahominy men were  
7           assessed a tribal tax so that their children could re-  
8           ceive an education;

9           (13) the Tribe used the proceeds from the tax to  
10          build the first Samaria Indian School, buy supplies,  
11          and pay a teacher's salary;

12          (14) in 1919, C. Lee Moore, Auditor of Public  
13          Accounts for Virginia, told Chickahominy Chief O.W.  
14          Adkins that he had instructed the Commissioner of  
15          Revenue for Charles City County to record Chicka-  
16          hominy tribal members on the county tax rolls as In-  
17          dian, and not as White or colored;

18          (15) during the period of 1920 through 1930,  
19          various Governors of the Commonwealth of Virginia  
20          wrote letters of introduction for Chickahominy Chiefs  
21          who had official business with Federal agencies in  
22          Washington, DC;

23          (16) in 1934, Chickahominy Chief O.O. Adkins  
24          wrote to John Collier, Commissioner of Indian Af-  
25          fairs, requesting money to acquire land for the Chick-

1        *ahominy Indian Tribe's use, to build school, medical,*  
2        *and library facilities and to buy tractors, implements,*  
3        *and seed;*

4            (17) *in 1934, John Collier, Commissioner of In-*  
5        *Indian Affairs, wrote to Chickahominy Chief O.O.*  
6        *Adkins, informing him that Congress had passed the*  
7        *Act of June 18, 1934 (commonly known as the "In-*  
8        *Indian Reorganization Act") (25 U.S.C. 461 et seq.),*  
9        *but had not made the appropriation to fund the Act;*

10           (18) *in 1942, Chickahominy Chief O.O. Adkins*  
11        *wrote to John Collier, Commissioner of Indian Af-*  
12        *airs, asking for help in getting the proper racial des-*  
13        *ignation on Selective Service records for Chicka-*  
14        *hominy soldiers;*

15           (19) *in 1943, John Collier, Commissioner of In-*  
16        *Indian Affairs, asked Douglas S. Freeman, editor of the*  
17        *Richmond News-Leader newspaper of Richmond, Vir-*  
18        *ginia, to help Virginia Indians obtain proper racial*  
19        *designation on birth records;*

20           (20) *Collier stated that his office could not offi-*  
21        *cially intervene because it had no responsibility for*  
22        *the Virginia Indians, "as a matter largely of histor-*  
23        *ical accident", but was "interested in them as de-*  
24        *scendants of the original inhabitants of the region";*

1           (21) in 1948, the Veterans' Education Committee  
2 of the Virginia State Board of Education approved  
3 Samaria Indian School to provide training to vet-  
4 erans;

5           (22) that school was established and run by the  
6 Chickahominy Indian Tribe;

7           (23) in 1950, the Chickahominy Indian Tribe  
8 purchased and donated to the Charles City County  
9 School Board land to be used to build a modern  
10 school for students of the Chickahominy and other  
11 Virginia Indian tribes;

12           (24) the Samaria Indian School included stu-  
13 dents in grades 1 through 8;

14           (25) in 1961, Senator Sam Ervin, Chairman of  
15 the Subcommittee on Constitutional Rights of the  
16 Committee on the Judiciary of the Senate, requested  
17 Chickahominy Chief O.O. Adkins to provide assist-  
18 ance in analyzing the status of the constitutional  
19 rights of Indians "in your area";

20           (26) in 1967, the Charles City County school  
21 board closed Samaria Indian School and converted  
22 the school to a countywide primary school as a step  
23 toward full school integration of Indian and non-In-  
24 dian students;

1           (27) in 1972, the Charles City County school  
2 board began receiving funds under the Indian Self-  
3 Determination and Education Assistance Act (25  
4 U.S.C. 458aa et seq.) on behalf of Chickahominy stu-  
5 dents, which funding is provided as of the date of en-  
6 actment of this Act under title V of the Indian Self-  
7 Determination and Education Assistance Act (25  
8 U.S.C. 458aaa et seq.);

9           (28) in 1974, the Chickahominy Indian Tribe  
10 bought land and built a tribal center using monthly  
11 pledges from tribal members to finance the trans-  
12 actions;

13           (29) in 1983, the Chickahominy Indian Tribe  
14 was granted recognition as an Indian tribe by the  
15 Commonwealth of Virginia, along with 5 other In-  
16 dian tribes; and

17           (30) in 1985, Governor Gerald Baliles was the  
18 special guest at an intertribal Thanksgiving Day din-  
19 ner hosted by the Chickahominy Indian Tribe.

20 **SEC. 212. DEFINITIONS.**

21 *In this subtitle:*

22           (1) *SECRETARY.*—The term “Secretary” means  
23 the Secretary of the Interior.

24           (2) *TRIBAL MEMBER.*—The term “tribal mem-  
25 ber” means—

1           (A) *an individual who is an enrolled mem-*  
2           *ber of the Tribe as of the date of enactment of*  
3           *this Act; and*

4           (B) *an individual who has been placed on*  
5           *the membership rolls of the Tribe in accordance*  
6           *with this subtitle.*

7           (3) *TRIBE.*—*The term “Tribe” means the Chick-*  
8           *ahominy Indian Tribe.*

9   **SEC. 213. FEDERAL RECOGNITION.**

10   (a) *FEDERAL RECOGNITION.*—

11           (1) *IN GENERAL.*—*Federal recognition is ex-*  
12           *tended to the Tribe.*

13           (2) *APPLICABILITY OF LAWS.*—*All laws (includ-*  
14           *ing regulations) of the United States of general appli-*  
15           *cability to Indians or nations, Indian tribes, or bands*  
16           *of Indians (including the Act of June 18, 1934 (25*  
17           *U.S.C. 461 et seq.)) that are not inconsistent with*  
18           *this subtitle shall be applicable to the Tribe and tribal*  
19           *members.*

20   (b) *FEDERAL SERVICES AND BENEFITS.*—

21           (1) *IN GENERAL.*—*On and after the date of en-*  
22           *actment of this Act, the Tribe and tribal members*  
23           *shall be eligible for all services and benefits provided*  
24           *by the Federal Government to federally recognized In-*

1        *dian tribes without regard to the existence of a res-*  
2        *ervation for the Tribe.*

3            (2) *SERVICE AREA.*—*For the purpose of the de-*  
4        *livery of Federal services to tribal members, the serv-*  
5        *ice area of the Tribe shall be considered to be the area*  
6        *comprised of New Kent County, James City County,*  
7        *Charles City County, and Henrico County, Virginia.*

8        **SEC. 214. MEMBERSHIP; GOVERNING DOCUMENTS.**

9        *The membership roll and governing documents of the*  
10       *Tribe shall be the most recent membership roll and gov-*  
11       *erning documents, respectively, submitted by the Tribe to*  
12       *the Secretary before the date of enactment of this Act.*

13       **SEC. 215. GOVERNING BODY.**

14       *The governing body of the Tribe shall be—*

15            (1) *the governing body of the Tribe in place as*  
16        *of the date of enactment of this Act; or*

17            (2) *any subsequent governing body elected in ac-*  
18        *cordance with the election procedures specified in the*  
19        *governing documents of the Tribe.*

20       **SEC. 216. RESERVATION OF THE TRIBE.**

21        (a) *IN GENERAL.*—*Upon the request of the Tribe, the*  
22        *Secretary of the Interior—*

23            (1) *shall take into trust for the benefit of the*  
24        *Tribe any land held in fee by the Tribe that was ac-*  
25        *quired by the Tribe on or before January 1, 2007, if*

1        *such lands are located within the boundaries of New*  
2        *Kent County, James City County, Charles City Coun-*  
3        *ty, or Henrico County, Virginia; and*

4            *(2) may take into trust for the benefit of the*  
5        *Tribe any land held in fee by the Tribe, if such lands*  
6        *are located within the boundaries of New Kent Coun-*  
7        *ty, James City County, Charles City County, or*  
8        *Henrico County, Virginia.*

9        *(b) DEADLINE FOR DETERMINATION.—The Secretary*  
10       *shall make a final written determination not later than*  
11       *three years of the date which the Tribe submits a request*  
12       *for land to be taken into trust under subsection (a)(2) and*  
13       *shall immediately make that determination available to the*  
14       *Tribe.*

15       *(c) RESERVATION STATUS.—Any land taken into trust*  
16       *for the benefit of the Tribe pursuant to this paragraph shall,*  
17       *upon request of the Tribe, be considered part of the reserva-*  
18       *tion of the Tribe.*

19       *(d) GAMING.—The Tribe may not conduct gaming ac-*  
20       *tivities as a matter of claimed inherent authority or under*  
21       *the authority of any Federal law, including the Indian*  
22       *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*  
23       *any regulations thereunder promulgated by the Secretary*  
24       *or the National Indian Gaming Commission.*

1 **SEC. 217. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
2 **WATER RIGHTS.**

3 *Nothing in this subtitle expands, reduces, or affects in*  
4 *any manner any hunting, fishing, trapping, gathering, or*  
5 *water rights of the Tribe and members of the Tribe.*

6 **Subtitle B—Chickahominy Indian**  
7 **Tribe—Eastern Division**

8 **SEC. 221. FINDINGS.**

9 *Congress finds that—*

10 *(1) in 1607, when the English settlers set shore*  
11 *along the Virginia coastline, the Chickahominy In-*  
12 *Indian Tribe was one of about 30 tribes that received*  
13 *them;*

14 *(2) in 1614, the Chickahominy Indian Tribe en-*  
15 *tered into a treaty with Sir Thomas Dale, Governor*  
16 *of the Jamestown Colony, under which—*

17 *(A) the Chickahominy Indian Tribe agreed*  
18 *to provide 2 bushels of corn per man and send*  
19 *warriors to protect the English; and*

20 *(B) Sir Thomas Dale agreed in return to*  
21 *allow the Tribe to continue to practice its own*  
22 *tribal governance;*

23 *(3) in 1646, a treaty was signed which forced the*  
24 *Chickahominy from their homeland to the area*  
25 *around the York River in present-day King William*  
26 *County, leading to the formation of a reservation;*

1           (4) in 1677, following Bacon's Rebellion, the  
2           Queen of Pamunkey signed the Treaty of Middle  
3           Plantation on behalf of the Chickahominy;

4           (5) in 1702, the Chickahominy were forced from  
5           their reservation, which caused the loss of a land base;

6           (6) in 1711, the College of William and Mary in  
7           Williamsburg established a grammar school for Indi-  
8           ans called Brafferton College;

9           (7) a Chickahominy child was one of the first In-  
10          dians to attend Brafferton College;

11          (8) in 1750, the Chickahominy Indian Tribe  
12          began to migrate from King William County back to  
13          the area around the Chickahominy River in New  
14          Kent and Charles City Counties;

15          (9) in 1793, a Baptist missionary named  
16          Bradby took refuge with the Chickahominy and took  
17          a Chickahominy woman as his wife;

18          (10) in 1831, the names of the ancestors of the  
19          modern-day Chickahominy Indian Tribe began to ap-  
20          pear in the Charles City County census records;

21          (11) in 1870, a census revealed an enclave of In-  
22          dians in New Kent County that is believed to be the  
23          beginning of the Chickahominy Indian Tribe—East-  
24          ern Division;

1           (12) other records were destroyed when the New  
2           Kent County courthouse was burned, leaving a State  
3           census as the only record covering that period;

4           (13) in 1901, the Chickahominy Indian Tribe  
5           formed Samaria Baptist Church;

6           (14) from 1901 to 1935, Chickahominy men were  
7           assessed a tribal tax so that their children could re-  
8           ceive an education;

9           (15) the Tribe used the proceeds from the tax to  
10          build the first Samaria Indian School, buy supplies,  
11          and pay a teacher's salary;

12          (16) in 1910, a 1-room school covering grades 1  
13          through 8 was established in New Kent County for the  
14          Chickahominy Indian Tribe—Eastern Division;

15          (17) during the period of 1920 through 1921, the  
16          Chickahominy Indian Tribe—Eastern Division began  
17          forming a tribal government;

18          (18) E.P. Bradby, the founder of the Tribe, was  
19          elected to be Chief;

20          (19) in 1922, Tsena Commocko Baptist Church  
21          was organized;

22          (20) in 1925, a certificate of incorporation was  
23          issued to the Chickahominy Indian Tribe—Eastern  
24          Division;

1           (21) in 1950, the 1-room Indian school in New  
2     *Kent County was closed and students were bused to*  
3     *Samaria Indian School in Charles City County;*

4           (22) in 1967, the *Chickahominy Indian Tribe*  
5     *and the Chickahominy Indian Tribe—Eastern Divi-*  
6     *sion lost their schools as a result of the required inte-*  
7     *gration of students;*

8           (23) during the period of 1982 through 1984,  
9     *Tsena Commocko Baptist Church built a new sanc-*  
10    *tuary to accommodate church growth;*

11          (24) in 1983 the *Chickahominy Indian Tribe—*  
12    *Eastern Division was granted State recognition along*  
13    *with 5 other Virginia Indian tribes;*

14          (25) in 1985—

15            (A) the *Virginia Council on Indians was*  
16    *organized as a State agency; and*

17            (B) the *Chickahominy Indian Tribe—East-*  
18    *ern Division was granted a seat on the Council;*

19          (26) in 1988, a nonprofit organization known as  
20    *the “United Indians of Virginia” was formed; and*

21          (27) Chief Marvin “Strongoak” Bradby of the  
22    *Eastern Band of the Chickahominy presently chairs*  
23    *the organization.*

24    **SEC. 222. DEFINITIONS.**

25    *In this subtitle:*

1           (1) *SECRETARY.*—The term “Secretary” means  
2           the Secretary of the Interior.

3           (2) *TRIBAL MEMBER.*—The term “tribal mem-  
4           ber” means—

5                   (A) an individual who is an enrolled mem-  
6                   ber of the Tribe as of the date of enactment of  
7                   this Act; and

8                   (B) an individual who has been placed on  
9                   the membership rolls of the Tribe in accordance  
10                  with this subtitle.

11          (3) *TRIBE.*—The term “Tribe” means the Chick-  
12          ahominy Indian Tribe—Eastern Division.

13 **SEC. 223. FEDERAL RECOGNITION.**

14          (a) *FEDERAL RECOGNITION.*—

15                  (1) *IN GENERAL.*—Federal recognition is ex-  
16                  tended to the Tribe.

17                  (2) *APPLICABILITY OF LAWS.*—All laws (includ-  
18                  ing regulations) of the United States of general appli-  
19                  cability to Indians or nations, Indian tribes, or bands  
20                  of Indians (including the Act of June 18, 1934 (25  
21                  U.S.C. 461 et seq.)) that are not inconsistent with  
22                  this subtitle shall be applicable to the Tribe and tribal  
23                  members.

24          (b) *FEDERAL SERVICES AND BENEFITS.*—

1           (1) *IN GENERAL.*—*On and after the date of en-*  
2           *actment of this Act, the Tribe and tribal members*  
3           *shall be eligible for all future services and benefits*  
4           *provided by the Federal Government to federally rec-*  
5           *ognized Indian tribes without regard to the existence*  
6           *of a reservation for the Tribe.*

7           (2) *SERVICE AREA.*—*For the purpose of the de-*  
8           *livery of Federal services to tribal members, the serv-*  
9           *ice area of the Tribe shall be considered to be the area*  
10          *comprised of New Kent County, James City County,*  
11          *Charles City County, and Henrico County, Virginia.*

12 **SEC. 224. MEMBERSHIP; GOVERNING DOCUMENTS.**

13          *The membership roll and governing documents of the*  
14          *Tribe shall be the most recent membership roll and gov-*  
15          *erning documents, respectively, submitted by the Tribe to*  
16          *the Secretary before the date of enactment of this Act.*

17 **SEC. 225. GOVERNING BODY.**

18          *The governing body of the Tribe shall be—*

19                 (1) *the governing body of the Tribe in place as*  
20                 *of the date of enactment of this Act; or*

21                 (2) *any subsequent governing body elected in ac-*  
22                 *cordance with the election procedures specified in the*  
23                 *governing documents of the Tribe.*

1 **SEC. 226. RESERVATION OF THE TRIBE.**

2 (a) *IN GENERAL.*—Upon the request of the Tribe, the  
3 Secretary of the Interior—

4 (1) shall take into trust for the benefit of the  
5 Tribe any land held in fee by the Tribe that was ac-  
6 quired by the Tribe on or before January 1, 2007, if  
7 such lands are located within the boundaries of New  
8 Kent County, James City County, Charles City Coun-  
9 ty, or Henrico County, Virginia; and

10 (2) may take into trust for the benefit of the  
11 Tribe any land held in fee by the Tribe, if such lands  
12 are located within the boundaries of New Kent Coun-  
13 ty, James City County, Charles City County, or  
14 Henrico County, Virginia.

15 (b) *DEADLINE FOR DETERMINATION.*—The Secretary  
16 shall make a final written determination not later than  
17 three years of the date which the Tribe submits a request  
18 for land to be taken into trust under subsection (a)(2) and  
19 shall immediately make that determination available to the  
20 Tribe.

21 (c) *RESERVATION STATUS.*—Any land taken into trust  
22 for the benefit of the Tribe pursuant to this paragraph shall,  
23 upon request of the Tribe, be considered part of the reserva-  
24 tion of the Tribe.

25 (d) *GAMING.*—The Tribe may not conduct gaming ac-  
26 tivities as a matter of claimed inherent authority or under

1 *the authority of any Federal law, including the Indian*  
2 *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*  
3 *any regulations thereunder promulgated by the Secretary*  
4 *or the National Indian Gaming Commission.*

5 **SEC. 227. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
6 **WATER RIGHTS.**

7 *Nothing in this subtitle expands, reduces, or affects in*  
8 *any manner any hunting, fishing, trapping, gathering, or*  
9 *water rights of the Tribe and members of the Tribe.*

10 ***Subtitle C—Upper Mattaponi Tribe***

11 **SEC. 231. FINDINGS.**

12 *Congress finds that—*

13 *(1) during the period of 1607 through 1646, the*  
14 *Chickahominy Indian Tribes—*

15 *(A) lived approximately 20 miles from*  
16 *Jamestown; and*

17 *(B) were significantly involved in English-*  
18 *Indian affairs;*

19 *(2) Mattaponi Indians, who later joined the*  
20 *Chickahominy Indians, lived a greater distance from*  
21 *Jamestown;*

22 *(3) in 1646, the Chickahominy Indians moved to*  
23 *Mattaponi River basin, away from the English;*

1           (4) in 1661, the Chickahominy Indians sold land  
2           at a place known as “the cliffs” on the Mattaponi  
3           River;

4           (5) in 1669, the Chickahominy Indians—

5                 (A) appeared in the Virginia Colony’s cen-  
6                 sus of Indian bowmen; and

7                 (B) lived in “New Kent” County, which in-  
8                 cluded the Mattaponi River basin at that time;

9           (6) in 1677, the Chickahominy and Mattaponi  
10           Indians were subjects of the Queen of Pamunkey, who  
11           was a signatory to the Treaty of 1677 with the King  
12           of England;

13           (7) in 1683, after a Mattaponi town was at-  
14           tacked by Seneca Indians, the Mattaponi Indians took  
15           refuge with the Chickahominy Indians, and the his-  
16           tory of the 2 groups was intertwined for many years  
17           thereafter;

18           (8) in 1695, the Chickahominy and Mattaponi  
19           Indians—

20                 (A) were assigned a reservation by the Vir-  
21                 ginia Colony; and

22                 (B) traded land of the reservation for land  
23                 at the place known as “the cliffs” (which, as of  
24                 the date of enactment of this Act, is the

1           *Mattaponi Indian Reservation), which had been*  
2           *owned by the Mattaponi Indians before 1661;*

3           *(9) in 1711, a Chickahominy boy attended the*  
4           *Indian School at the College of William and Mary;*

5           *(10) in 1726, the Virginia Colony discontinued*  
6           *funding of interpreters for the Chickahominy and*  
7           *Mattaponi Indian Tribes;*

8           *(11) James Adams, who served as an interpreter*  
9           *to the Indian tribes known as of the date of enactment*  
10          *of this Act as the “Upper Mattaponi Indian Tribe”*  
11          *and “Chickahominy Indian Tribe”, elected to stay*  
12          *with the Upper Mattaponi Indians;*

13          *(12) today, a majority of the Upper Mattaponi*  
14          *Indians have “Adams” as their surname;*

15          *(13) in 1787, Thomas Jefferson, in Notes on the*  
16          *Commonwealth of Virginia, mentioned the Mattaponi*  
17          *Indians on a reservation in King William County*  
18          *and said that Chickahominy Indians were “blended”*  
19          *with the Mattaponi Indians and nearby Pamunkey*  
20          *Indians;*

21          *(14) in 1850, the census of the United States re-*  
22          *vealed a nucleus of approximately 10 families, all an-*  
23          *cestral to modern Upper Mattaponi Indians, living in*  
24          *central King William County, Virginia, approxi-*  
25          *mately 10 miles from the reservation;*

1           (15) during the period of 1853 through 1884,  
2           *King William County marriage records listed Upper*  
3           *Mattaponis as “Indians” in marrying people residing*  
4           *on the reservation;*

5           (16) during the period of 1884 through the  
6           *present, county marriage records usually refer to*  
7           *Upper Mattaponis as “Indians”;*

8           (17) in 1901, *Smithsonian anthropologist James*  
9           *Mooney heard about the Upper Mattaponi Indians*  
10          *but did not visit them;*

11          (18) in 1928, *University of Pennsylvania an-*  
12          *thropologist Frank Speck published a book on modern*  
13          *Virginia Indians with a section on the Upper*  
14          *Mattaponis;*

15          (19) from 1929 until 1930, *the leadership of the*  
16          *Upper Mattaponi Indians opposed the use of a “col-*  
17          *ored” designation in the 1930 United States census*  
18          *and won a compromise in which the Indian ancestry*  
19          *of the Upper Mattaponis was recorded but questioned;*

20          (20) during the period of 1942 through 1945—

21                 (A) *the leadership of the Upper Mattaponi*  
22                 *Indians, with the help of Frank Speck and oth-*  
23                 *ers, fought against the induction of young men*  
24                 *of the Tribe into “colored” units in the Armed*  
25                 *Forces of the United States; and*

1                   (B) a tribal roll for the Upper Mattaponi  
2                   Indians was compiled;

3                   (21) from 1945 to 1946, negotiations took place  
4                   to admit some of the young people of the Upper  
5                   Mattaponi to high schools for Federal Indians (espe-  
6                   cially at Cherokee) because no high school coursework  
7                   was available for Indians in Virginia schools; and

8                   (22) in 1983, the Upper Mattaponi Indians ap-  
9                   plied for and won State recognition as an Indian  
10                  tribe.

11 **SEC. 232. DEFINITIONS.**

12                  In this subtitle:

13                  (1) *SECRETARY*.—The term “Secretary” means  
14                  the Secretary of the Interior.

15                  (2) *TRIBAL MEMBER*.—The term “tribal mem-  
16                  ber” means—

17                         (A) an individual who is an enrolled mem-  
18                         ber of the Tribe as of the date of enactment of  
19                         this Act; and

20                         (B) an individual who has been placed on  
21                         the membership rolls of the Tribe in accordance  
22                         with this subtitle.

23                  (3) *TRIBE*.—The term “Tribe” means the Upper  
24                  Mattaponi Tribe.

1 **SEC. 233. FEDERAL RECOGNITION.**

2 (a) *FEDERAL RECOGNITION.*—

3 (1) *IN GENERAL.*—*Federal recognition is ex-*  
4 *tended to the Tribe.*

5 (2) *APPLICABILITY OF LAWS.*—*All laws (includ-*  
6 *ing regulations) of the United States of general appli-*  
7 *cability to Indians or nations, Indian tribes, or bands*  
8 *of Indians (including the Act of June 18, 1934 (25*  
9 *U.S.C. 461 et seq.)) that are not inconsistent with*  
10 *this subtitle shall be applicable to the Tribe and tribal*  
11 *members.*

12 (b) *FEDERAL SERVICES AND BENEFITS.*—

13 (1) *IN GENERAL.*—*On and after the date of en-*  
14 *actment of this Act, the Tribe and tribal members*  
15 *shall be eligible for all services and benefits provided*  
16 *by the Federal Government to federally recognized In-*  
17 *dian tribes without regard to the existence of a res-*  
18 *ervation for the Tribe.*

19 (2) *SERVICE AREA.*—*For the purpose of the de-*  
20 *livery of Federal services to tribal members, the serv-*  
21 *ice area of the Tribe shall be considered to be the area*  
22 *within 25 miles of the Sharon Indian School at*  
23 *13383 King William Road, King William County,*  
24 *Virginia.*

1 **SEC. 234. MEMBERSHIP; GOVERNING DOCUMENTS.**

2 *The membership roll and governing documents of the*  
3 *Tribe shall be the most recent membership roll and gov-*  
4 *erning documents, respectively, submitted by the Tribe to*  
5 *the Secretary before the date of enactment of this Act.*

6 **SEC. 235. GOVERNING BODY.**

7 *The governing body of the Tribe shall be—*

8 *(1) the governing body of the Tribe in place as*  
9 *of the date of enactment of this Act; or*

10 *(2) any subsequent governing body elected in ac-*  
11 *cordance with the election procedures specified in the*  
12 *governing documents of the Tribe.*

13 **SEC. 236. RESERVATION OF THE TRIBE.**

14 *(a) IN GENERAL.—Upon the request of the Tribe, the*  
15 *Secretary of the Interior—*

16 *(1) shall take into trust for the benefit of the*  
17 *Tribe any land held in fee by the Tribe that was ac-*  
18 *quired by the Tribe on or before January 1, 2007, if*  
19 *such lands are located within the boundaries of King*  
20 *William County, Caroline County, Hanover County,*  
21 *King and Queen County, and New Kent County, Vir-*  
22 *ginia; and*

23 *(2) may take into trust for the benefit of the*  
24 *Tribe any land held in fee by the Tribe, if such lands*  
25 *are located within the boundaries of King William*



1     **Subtitle D—Rappahannock Tribe,**  
2                                     **Inc.**

3     **SEC. 241. FINDINGS.**

4             *Congress finds that—*

5                     (1) *during the initial months after Virginia was*  
6             *settled, the Rappahannock Indians had 3 encounters*  
7             *with Captain John Smith;*

8                     (2) *the first encounter occurred when the Rappa-*  
9             *hannock weroance (headman)—*

10                             (A) *traveled to Quiyocohannock (a prin-*  
11             *cipal town across the James River from James-*  
12             *town), where he met with Smith to determine*  
13             *whether Smith had been the “great man” who*  
14             *had previously sailed into the Rappahannock*  
15             *River, killed a Rappahannock weroance, and*  
16             *kidnapped Rappahannock people; and*

17                             (B) *determined that Smith was too short to*  
18             *be that “great man”;*

19                     (3) *on a second meeting, during John Smith’s*  
20             *captivity (December 16, 1607, to January 8, 1608),*  
21             *Smith was taken to the Rappahannock principal vil-*  
22             *lage to show the people that Smith was not the “great*  
23             *man”;*

24                     (4) *a third meeting took place during Smith’s*  
25             *exploration of the Chesapeake Bay (July to September*

1       1608), when, after the Moraughtacund Indians had  
2       stolen 3 women from the Rappahannock King, Smith  
3       was prevailed upon to facilitate a peaceful truce be-  
4       tween the Rappahannock and the Moraughtacund In-  
5       dians;

6               (5) in the settlement, Smith had the 2 Indian  
7       tribes meet on the spot of their first fight;

8               (6) when it was established that both groups  
9       wanted peace, Smith told the Rappahannock King to  
10      select which of the 3 stolen women he wanted;

11              (7) the Moraughtacund King was given second  
12      choice among the 2 remaining women, and Mosco, a  
13      Wighcocomoco (on the Potomac River) guide, was  
14      given the third woman;

15              (8) in 1645, Captain William Claiborne tried  
16      unsuccessfully to establish treaty relations with the  
17      Rappahannocks, as the Rappahannocks had not par-  
18      ticipated in the Pamunkey-led uprising in 1644, and  
19      the English wanted to “treat with the Rappahannocks  
20      or any other Indians not in amity with  
21      Opechancanough, concerning serving the county  
22      against the Pamunkeys”;

23              (9) in April 1651, the Rappahannocks conveyed  
24      a tract of land to an English settler, Colonel Morre  
25      Fauntleroy;

1           (10) *the deed for the conveyance was signed by*  
2           *Accopatough, weroance of the Rappahannock Indians;*

3           (11) *in September 1653, Lancaster County*  
4           *signed a treaty with Rappahannock Indians, the*  
5           *terms of which treaty—*

6                   (A) *gave Rappahannocks the rights of Eng-*  
7                   *lishmen in the county court; and*

8                   (B) *attempted to make the Rappahannocks*  
9                   *more accountable under English law;*

10           (12) *in September 1653, Lancaster County de-*  
11           *finied and marked the bounds of its Indian settle-*  
12           *ments;*

13           (13) *according to the Lancaster clerk of court,*  
14           *“the tribe called the great Rappahannocks lived on*  
15           *the Rappahannock Creek just across the river above*  
16           *Tappahannock”;*

17           (14) *in September 1656, (Old) Rappahannock*  
18           *County (which, as of the date of enactment of this*  
19           *Act, is comprised of Richmond and Essex Counties,*  
20           *Virginia) signed a treaty with Rappahannock Indi-*  
21           *ans that—*

22                   (A) *mirrored the Lancaster County treaty*  
23                   *from 1653; and*

24                   (B) *stated that—*

1           (i) *Rappahannocks were to be re-*  
2           *warded, in Roanoke, for returning English*  
3           *fugitives; and*

4           (ii) *the English encouraged the*  
5           *Rappahannocks to send their children to*  
6           *live among the English as servants, who the*  
7           *English promised would be well-treated;*

8           (15) *in 1658, the Virginia Assembly revised a*  
9           *1652 Act stating that “there be no grants of land to*  
10          *any Englishman whatsoever de futuro until the Indi-*  
11          *ans be first served with the proportion of 50 acres of*  
12          *land for each bowman”;*

13          (16) *in 1669, the colony conducted a census of*  
14          *Virginia Indians;*

15          (17) *as of the date of that census—*

16               (A) *the majority of the Rappahannocks*  
17               *were residing at their hunting village on the*  
18               *north side of the Mattaponi River; and*

19               (B) *at the time of the visit, census-takers*  
20               *were counting only the Indian tribes along the*  
21               *rivers, which explains why only 30 Rappahan-*  
22               *nock bowmen were counted on that river;*

23          (18) *the Rappahannocks used the hunting village*  
24          *on the north side of the Mattaponi River as their pri-*

1        *mary residence until the Rappahannocks were re-*  
2        *moved in 1684;*

3            *(19) in May 1677, the Treaty of Middle Planta-*  
4        *tion was signed with England;*

5            *(20) the Pamunkey Queen Cockacoeske signed on*  
6        *behalf of the Rappahannocks, “who were supposed to*  
7        *be her tributaries”, but before the treaty could be rati-*  
8        *fied, the Queen of Pamunkey complained to the Vir-*  
9        *ginia Colonial Council “that she was having trouble*  
10       *with Rappahannocks and Chickahominies, supposedly*  
11       *tributaries of hers”;*

12           *(21) in November 1682, the Virginia Colonial*  
13        *Council established a reservation for the Rappahan-*  
14        *nock Indians of 3,474 acres “about the town where*  
15        *they dwelt”;*

16           *(22) the Rappahannock “town” was the hunting*  
17        *village on the north side of the Mattaponi River,*  
18        *where the Rappahannocks had lived throughout the*  
19        *1670s;*

20           *(23) the acreage allotment of the reservation was*  
21        *based on the 1658 Indian land act, which translates*  
22        *into a bowman population of 70, or an approximate*  
23        *total Rappahannock population of 350;*

24           *(24) in 1683, following raids by Iroquoian war-*  
25        *riors on both Indian and English settlements, the Vir-*

1 *ginia Colonial Council ordered the Rappahannocks to*  
2 *leave their reservation and unite with the Nanzatico*  
3 *Indians at Nanzatico Indian Town, which was lo-*  
4 *cated across and up the Rappahannock River some 30*  
5 *miles;*

6 *(25) between 1687 and 1699, the Rappahannocks*  
7 *migrated out of Nanzatico, returning to the south side*  
8 *of the Rappahannock River at Portobacco Indian*  
9 *Town;*

10 *(26) in 1706, by order of Essex County, Lieuten-*  
11 *ant Richard Covington “escorted” the Portobaccos*  
12 *and Rappahannocks out of Portobacco Indian Town,*  
13 *out of Essex County, and into King and Queen Coun-*  
14 *ty where they settled along the ridgeline between the*  
15 *Rappahannock and Mattaponi Rivers, the site of*  
16 *their ancient hunting village and 1682 reservation;*

17 *(27) during the 1760s, 3 Rappahannock girls*  
18 *were raised on Thomas Nelson’s Bleak Hill Planta-*  
19 *tion in King William County;*

20 *(28) of those girls—*

21 *(A) one married a Saunders man;*

22 *(B) one married a Johnson man; and*

23 *(C) one had 2 children, Edmund and Car-*  
24 *ter Nelson, fathered by Thomas Cary Nelson;*

1           (29) *in the 19th century, those Saunders, John-*  
2           *son, and Nelson families are among the core Rappa-*  
3           *hannock families from which the modern Tribe traces*  
4           *its descent;*

5           (30) *in 1819 and 1820, Edward Bird, John Bird*  
6           *(and his wife), Carter Nelson, Edmund Nelson, and*  
7           *Carter Spurlock (all Rappahannock ancestors) were*  
8           *listed on the tax roles of King and Queen County and*  
9           *taxed at the county poor rate;*

10          (31) *Edmund Bird was added to the tax roles in*  
11          *1821;*

12          (32) *those tax records are significant documenta-*  
13          *tion because the great majority of pre-1864 records for*  
14          *King and Queen County were destroyed by fire;*

15          (33) *beginning in 1819, and continuing through*  
16          *the 1880s, there was a solid Rappahannock presence*  
17          *in the membership at Upper Essex Baptist Church;*

18          (34) *that was the first instance of conversion to*  
19          *Christianity by at least some Rappahannock Indians;*

20          (35) *while twenty-six identifiable and traceable*  
21          *Rappahannock surnames appear on the pre-1863*  
22          *membership list, and twenty-eight were listed on the*  
23          *1863 membership roster, the number of surnames list-*  
24          *ed had declined to twelve in 1878 and had risen only*  
25          *slightly to fourteen by 1888;*

1           (36) a reason for the decline is that in 1870, a  
2           Methodist circuit rider, Joseph Mastin, secured funds  
3           to purchase land and construct St. Stephens Baptist  
4           Church for the Rappahannocks living nearby in Caro-  
5           line County;

6           (37) Mastin referred to the Rappahannocks dur-  
7           ing the period of 1850 to 1870 as “Indians, having  
8           a great need for moral and Christian guidance”;

9           (38) St. Stephens was the dominant tribal  
10          church until the Rappahannock Indian Baptist  
11          Church was established in 1964;

12          (39) at both churches, the core Rappahannock  
13          family names of Bird, Clarke, Fortune, Johnson, Nel-  
14          son, Parker, and Richardson predominate;

15          (40) during the early 1900s, James Mooney,  
16          noted anthropologist, maintained correspondence with  
17          the Rappahannocks, surveying them and instructing  
18          them on how to formalize their tribal government;

19          (41) in November 1920, Speck visited the  
20          Rappahannocks and assisted them in organizing the  
21          fight for their sovereign rights;

22          (42) in 1921, the Rappahannocks were granted  
23          a charter from the Commonwealth of Virginia for-  
24          malizing their tribal government;

1           (43) *Speck began a professional relationship*  
2           *with the Tribe that would last more than 30 years*  
3           *and document Rappahannock history and traditions*  
4           *as never before;*

5           (44) *in April 1921, Rappahannock Chief George*  
6           *Nelson asked the Governor of Virginia, Westmoreland*  
7           *Davis, to forward a proclamation to the President of*  
8           *the United States, along with an appended list of*  
9           *tribal members and a handwritten copy of the procla-*  
10          *mation itself;*

11          (45) *the letter concerned Indian freedom of*  
12          *speech and assembly nationwide;*

13          (46) *in 1922, the Rappahannocks established a*  
14          *formal school at Lloyds, Essex County, Virginia;*

15          (47) *prior to establishment of the school, Rappa-*  
16          *hannock children were taught by a tribal member in*  
17          *Central Point, Caroline County, Virginia;*

18          (48) *in December 1923, Rappahannock Chief*  
19          *George Nelson testified before Congress appealing for*  
20          *a \$50,000 appropriation to establish an Indian school*  
21          *in Virginia;*

22          (49) *in 1930, the Rappahannocks were engaged*  
23          *in an ongoing dispute with the Commonwealth of Vir-*  
24          *ginia and the United States Census Bureau about*  
25          *their classification in the 1930 Federal census;*

1           (50) in January 1930, Rappahannock Chief  
2           Otho S. Nelson wrote to Leon Truesdell, Chief Stat-  
3           istician of the United States Census Bureau, asking  
4           that the 218 enrolled Rappahannocks be listed as In-  
5           dians;

6           (51) in February 1930, Truesdell replied to Nel-  
7           son saying that “special instructions” were being  
8           given about classifying Indians;

9           (52) in April 1930, Nelson wrote to William M.  
10          Steuart at the Census Bureau asking about the enu-  
11          merators’ failure to classify his people as Indians,  
12          saying that enumerators had not asked the question  
13          about race when they interviewed his people;

14          (53) in a followup letter to Truesdell, Nelson re-  
15          ported that the enumerators were “flatly denying” his  
16          people’s request to be listed as Indians and that the  
17          race question was completely avoided during inter-  
18          views;

19          (54) the Rappahannocks had spoken with Caro-  
20          line and Essex County enumerators, and with John  
21          M.W. Green at that point, without success;

22          (55) Nelson asked Truesdell to list people as In-  
23          dians if he sent a list of members;

24          (56) the matter was settled by William Steuart,  
25          who concluded that the Bureau’s rule was that people

1 *of Indian descent could be classified as “Indian” only*  
2 *if Indian “blood” predominated and “Indian” iden-*  
3 *tity was accepted in the local community;*

4 *(57) the Virginia Vital Statistics Bureau classed*  
5 *all nonreservation Indians as “Negro”, and it failed*  
6 *to see why “an exception should be made” for the*  
7 *Rappahannocks;*

8 *(58) therefore, in 1925, the Indian Rights Asso-*  
9 *ciation took on the Rappahannock case to assist the*  
10 *Rappahannocks in fighting for their recognition and*  
11 *rights as an Indian tribe;*

12 *(59) during the Second World War, the*  
13 *Pamunkeys, Mattaponis, Chickahominies, and Rap-*  
14 *pahannocks had to fight the draft boards with respect*  
15 *to their racial identities;*

16 *(60) the Virginia Vital Statistics Bureau in-*  
17 *sisted that certain Indian draftees be inducted into*  
18 *Negro units;*

19 *(61) finally, 3 Rappahannocks were convicted of*  
20 *violating the Federal draft laws and, after spending*  
21 *time in a Federal prison, were granted conscientious*  
22 *objector status and served out the remainder of the*  
23 *war working in military hospitals;*

24 *(62) in 1943, Frank Speck noted that there were*  
25 *approximately 25 communities of Indians left in the*

1 *Eastern United States that were entitled to Indian*  
2 *classification, including the Rappahannocks;*

3 *(63) in the 1940s, Leon Truesdell, Chief Statisti-*  
4 *cian, of the United States Census Bureau, listed 118*  
5 *members in the Rappahannock Tribe in the Indian*  
6 *population of Virginia;*

7 *(64) on April 25, 1940, the Office of Indian Af-*  
8 *airs of the Department of the Interior included the*  
9 *Rappahannocks on a list of Indian tribes classified by*  
10 *State and by agency;*

11 *(65) in 1948, the Smithsonian Institution An-*  
12 *nual Report included an article by William Harlen*  
13 *Gilbert entitled, “Surviving Indian Groups of the*  
14 *Eastern United States”, which included and described*  
15 *the Rappahannock Tribe;*

16 *(66) in the late 1940s and early 1950s, the*  
17 *Rappahannocks operated a school at Indian Neck;*

18 *(67) the State agreed to pay a tribal teacher to*  
19 *teach 10 students bused by King and Queen County*  
20 *to Sharon Indian School in King William County,*  
21 *Virginia;*

22 *(68) in 1965, Rappahannock students entered*  
23 *Marriott High School (a White public school) by exec-*  
24 *utive order of the Governor of Virginia;*

1           (69) in 1972, the Rappahannocks worked with  
2           the Coalition of Eastern Native Americans to fight for  
3           Federal recognition;

4           (70) in 1979, the Coalition established a pottery  
5           and artisans company, operating with other Virginia  
6           tribes;

7           (71) in 1980, the Rappahannocks received fund-  
8           ing through the Administration for Native Americans  
9           of the Department of Health and Human Services to  
10          develop an economic program for the Tribe; and

11          (72) in 1983, the Rappahannocks received State  
12          recognition as an Indian tribe.

13 **SEC. 242. DEFINITIONS.**

14          *In this subtitle:*

15           (1) **SECRETARY.**—The term “Secretary” means  
16          the Secretary of the Interior.

17           (2) **TRIBAL MEMBER.**—The term “tribal mem-  
18          ber” means—

19                   (A) an individual who is an enrolled mem-  
20                   ber of the Tribe as of the date of enactment of  
21                   this Act; and

22                   (B) an individual who has been placed on  
23                   the membership rolls of the Tribe in accordance  
24                   with this subtitle.

25           (3) **TRIBE.**—

1           (A) *IN GENERAL.*—The term “Tribe” means  
2           the organization possessing the legal name Rap-  
3           pahannock Tribe, Inc.

4           (B) *EXCLUSIONS.*—The term “Tribe” does  
5           not include any other Indian tribe, subtribe,  
6           band, or splinter group the members of which  
7           represent themselves as Rappahannock Indians.

8 **SEC. 243. FEDERAL RECOGNITION.**

9           (a) *FEDERAL RECOGNITION.*—

10           (1) *IN GENERAL.*—Federal recognition is ex-  
11           tended to the Tribe.

12           (2) *APPLICABILITY OF LAWS.*—All laws (includ-  
13           ing regulations) of the United States of general appli-  
14           cability to Indians or nations, Indian tribes, or bands  
15           of Indians (including the Act of June 18, 1934 (25  
16           U.S.C. 461 et seq.)) that are not inconsistent with  
17           this subtitle shall be applicable to the Tribe and tribal  
18           members.

19           (b) *FEDERAL SERVICES AND BENEFITS.*—

20           (1) *IN GENERAL.*—On and after the date of en-  
21           actment of this Act, the Tribe and tribal members  
22           shall be eligible for all services and benefits provided  
23           by the Federal Government to federally recognized In-  
24           dian tribes without regard to the existence of a res-  
25           ervation for the Tribe.

1           (2) *SERVICE AREA.*—*For the purpose of the de-*  
2 *livery of Federal services to tribal members, the serv-*  
3 *ice area of the Tribe shall be considered to be the area*  
4 *comprised of King and Queen County, Caroline*  
5 *County, Essex County, and King William County,*  
6 *Virginia.*

7 **SEC. 244. MEMBERSHIP; GOVERNING DOCUMENTS.**

8           *The membership roll and governing documents of the*  
9 *Tribe shall be the most recent membership roll and gov-*  
10 *erning documents, respectively, submitted by the Tribe to*  
11 *the Secretary before the date of enactment of this Act.*

12 **SEC. 245. GOVERNING BODY.**

13           *The governing body of the Tribe shall be—*

14           (1) *the governing body of the Tribe in place as*  
15 *of the date of enactment of this Act; or*

16           (2) *any subsequent governing body elected in ac-*  
17 *cordance with the election procedures specified in the*  
18 *governing documents of the Tribe.*

19 **SEC. 246. RESERVATION OF THE TRIBE.**

20           (a) *IN GENERAL.*—*Upon the request of the Tribe, the*  
21 *Secretary of the Interior—*

22           (1) *shall take into trust for the benefit of the*  
23 *Tribe any land held in fee by the Tribe that was ac-*  
24 *quired by the Tribe on or before January 1, 2007, if*  
25 *such lands are located within the boundaries of King*

1        *and Queen County, Stafford County, Spotsylvania*  
2        *County, Richmond County, Essex County, and Caro-*  
3        *line County, Virginia; and*

4            *(2) may take into trust for the benefit of the*  
5        *Tribe any land held in fee by the Tribe, if such lands*  
6        *are located within the boundaries of King and Queen*  
7        *County, Richmond County, Lancaster County, King*  
8        *George County, Essex County, Caroline County, New*  
9        *Kent County, King William County, and James City*  
10       *County, Virginia.*

11        *(b) DEADLINE FOR DETERMINATION.—The Secretary*  
12       *shall make a final written determination not later than*  
13       *three years of the date which the Tribe submits a request*  
14       *for land to be taken into trust under subsection (a)(2) and*  
15       *shall immediately make that determination available to the*  
16       *Tribe.*

17        *(c) RESERVATION STATUS.—Any land taken into trust*  
18       *for the benefit of the Tribe pursuant to this paragraph shall,*  
19       *upon request of the Tribe, be considered part of the reserva-*  
20       *tion of the Tribe.*

21        *(d) GAMING.—The Tribe may not conduct gaming ac-*  
22       *tivities as a matter of claimed inherent authority or under*  
23       *the authority of any Federal law, including the Indian*  
24       *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*

1 *any regulations thereunder promulgated by the Secretary*  
2 *or the National Indian Gaming Commission.*

3 **SEC. 247. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
4 **WATER RIGHTS.**

5 *Nothing in this subtitle expands, reduces, or affects in*  
6 *any manner any hunting, fishing, trapping, gathering, or*  
7 *water rights of the Tribe and members of the Tribe.*

8 ***Subtitle E—Monacan Indian***  
9 ***Nation***

10 **SEC. 251. FINDINGS.**

11 *Congress finds that—*

12 *(1) in 1677, the Monacan Tribe signed the Trea-*  
13 *ty of Middle Plantation between Charles II of Eng-*  
14 *land and 12 Indian “Kings and Chief Men”;*

15 *(2) in 1722, in the Treaty of Albany, Governor*  
16 *Spotswood negotiated to save the Virginia Indians*  
17 *from extinction at the hands of the Iroquois;*

18 *(3) specifically mentioned in the negotiations*  
19 *were the Monacan tribes of the Toteró (Tutelo),*  
20 *Saponi, Ocheneches (Occaneechi), Stengenocks, and*  
21 *Meipontskys;*

22 *(4) in 1790, the first national census recorded*  
23 *Benjamin Evans and Robert Johns, both ancestors of*  
24 *the present Monacan community, listed as “white”*  
25 *with mulatto children;*

1           (5) in 1782, tax records also began for those fam-  
2           ilies;

3           (6) in 1850, the United States census recorded  
4           29 families, mostly large, with Monacan surnames,  
5           the members of which are genealogically related to the  
6           present community;

7           (7) in 1870, a log structure was built at the  
8           Bear Mountain Indian Mission;

9           (8) in 1908, the structure became an Episcopal  
10          Mission and, as of the date of enactment of this Act,  
11          the structure is listed as a landmark on the National  
12          Register of Historic Places;

13          (9) in 1920, 304 Amherst Indians were identi-  
14          fied in the United States census;

15          (10) from 1930 through 1931, numerous letters  
16          from Monacans to the Bureau of the Census resulted  
17          from the decision of Dr. Walter Plecker, former head  
18          of the Bureau of Vital Statistics of the Commonwealth  
19          of Virginia, not to allow Indians to register as Indi-  
20          ans for the 1930 census;

21          (11) the Monacans eventually succeeded in being  
22          allowed to claim their race, albeit with an asterisk at-  
23          tached to a note from Dr. Plecker stating that there  
24          were no Indians in Virginia;

1           (12) in 1947, D’Arcy McNickle, a Salish Indian,  
2           saw some of the children at the Amherst Mission and  
3           requested that the Cherokee Agency visit them because  
4           they appeared to be Indian;

5           (13) that letter was forwarded to the Department  
6           of the Interior, Office of Indian Affairs, Chicago, Illi-  
7           nois;

8           (14) Chief Jarrett Blythe of the Eastern Band of  
9           Cherokee did visit the Mission and wrote that he  
10          “would be willing to accept these children in the  
11          Cherokee school”;

12          (15) in 1979, a Federal Coalition of Eastern Na-  
13          tive Americans established the entity known as “Mon-  
14          acan Co-operative Pottery” at the Amherst Mission;

15          (16) some important pieces were produced at  
16          Monacan Co-operative Pottery, including a piece that  
17          was sold to the Smithsonian Institution;

18          (17) the Mattaponi-Pamunkey-Monacan Consor-  
19          tium, established in 1981, has since been organized as  
20          a nonprofit corporation that serves as a vehicle to ob-  
21          tain funds for those Indian tribes from the Depart-  
22          ment of Labor under Native American programs;

23          (18) in 1989, the Monacan Tribe was recognized  
24          by the Commonwealth of Virginia, which enabled the

1 *Tribe to apply for grants and participate in other*  
2 *programs; and*

3 *(19) in 1993, the Monacan Tribe received tax-ex-*  
4 *empt status as a nonprofit corporation from the In-*  
5 *ternal Revenue Service.*

6 **SEC. 252. DEFINITIONS.**

7 *In this subtitle:*

8 *(1) SECRETARY.—The term “Secretary” means*  
9 *the Secretary of the Interior.*

10 *(2) TRIBAL MEMBER.—The term “tribal mem-*  
11 *ber” means—*

12 *(A) an individual who is an enrolled mem-*  
13 *ber of the Tribe as of the date of enactment of*  
14 *this Act; and*

15 *(B) an individual who has been placed on*  
16 *the membership rolls of the Tribe in accordance*  
17 *with this subtitle.*

18 *(3) TRIBE.—The term “Tribe” means the Mona-*  
19 *can Indian Nation.*

20 **SEC. 253. FEDERAL RECOGNITION.**

21 *(a) FEDERAL RECOGNITION.—*

22 *(1) IN GENERAL.—Federal recognition is ex-*  
23 *tended to the Tribe.*

24 *(2) APPLICABILITY OF LAWS.—All laws (includ-*  
25 *ing regulations) of the United States of general appli-*

1       *capability to Indians or nations, Indian tribes, or bands*  
2       *of Indians (including the Act of June 18, 1934 (25*  
3       *U.S.C. 461 et seq.)) that are not inconsistent with*  
4       *this subtitle shall be applicable to the Tribe and tribal*  
5       *members.*

6       ***(b) FEDERAL SERVICES AND BENEFITS.—***

7               ***(1) IN GENERAL.—****On and after the date of en-*  
8       *actment of this Act, the Tribe and tribal members*  
9       *shall be eligible for all services and benefits provided*  
10       *by the Federal Government to federally recognized In-*  
11       *Indian tribes without regard to the existence of a res-*  
12       *ervation for the Tribe.*

13               ***(2) SERVICE AREA.—****For the purpose of the de-*  
14       *livery of Federal services to tribal members, the serv-*  
15       *ice area of the Tribe shall be considered to be the area*  
16       *comprised of all land within 25 miles from the center*  
17       *of Amherst, Virginia.*

18       ***SEC. 254. MEMBERSHIP; GOVERNING DOCUMENTS.***

19       *The membership roll and governing documents of the*  
20       *Tribe shall be the most recent membership roll and gov-*  
21       *erning documents, respectively, submitted by the Tribe to*  
22       *the Secretary before the date of enactment of this Act.*

23       ***SEC. 255. GOVERNING BODY.***

24       *The governing body of the Tribe shall be—*

1           (1) *the governing body of the Tribe in place as*  
2           *of the date of enactment of this Act; or*

3           (2) *any subsequent governing body elected in ac-*  
4           *cordance with the election procedures specified in the*  
5           *governing documents of the Tribe.*

6 **SEC. 256. RESERVATION OF THE TRIBE.**

7           (a) *IN GENERAL.*—*Upon the request of the Tribe, the*  
8           *Secretary of the Interior—*

9           (1) *shall take into trust for the benefit of the*  
10           *Tribe any land held in fee by the Tribe that was ac-*  
11           *quired by the Tribe on or before January 1, 2007, if*  
12           *such lands are located within the boundaries of Am-*  
13           *herst County, Virginia; and*

14           (2) *may take into trust for the benefit of the*  
15           *Tribe any land held in fee by the Tribe, if such lands*  
16           *are located within the boundaries of Amherst County,*  
17           *Virginia, and those parcels in Rockbridge County,*  
18           *Virginia (subject to the consent of the local unit of*  
19           *government), owned by Mr. J. Poole, described as*  
20           *East 731 Sandbridge (encompassing approximately*  
21           *4.74 acres) and East 731 (encompassing approxi-*  
22           *mately 5.12 acres).*

23           (b) *DEADLINE FOR DETERMINATION.*—*The Secretary*  
24           *shall make a final written determination not later than*  
25           *three years of the date which the Tribe submits a request*

1 *for land to be taken into trust under subsection (a)(2) and*  
 2 *shall immediately make that determination available to the*  
 3 *Tribes.*

4 *(c) RESERVATION STATUS.—Any land taken into trust*  
 5 *for the benefit of the Tribe pursuant to this paragraph shall,*  
 6 *upon request of the Tribe, be considered part of the reserva-*  
 7 *tion of the Tribe.*

8 *(d) GAMING.—The Tribe may not conduct gaming ac-*  
 9 *tivities as a matter of claimed inherent authority or under*  
 10 *the authority of any Federal law, including the Indian*  
 11 *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*  
 12 *any regulations thereunder promulgated by the Secretary*  
 13 *or the National Indian Gaming Commission.*

14 **SEC. 257. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 15 **WATER RIGHTS.**

16 *Nothing in this subtitle expands, reduces, or affects in*  
 17 *any manner any hunting, fishing, trapping, gathering, or*  
 18 *water rights of the Tribe and members of the Tribe.*

19 ***Subtitle F—Nansemond Indian***  
 20 ***Tribe***

21 **SEC. 261. FINDINGS.**

22 *Congress finds that—*

23 *(1) from 1607 until 1646, Nansemond Indians—*

24 *(A) lived approximately 30 miles from*

25 *Jamestown; and*

1           (B) were significantly involved in English-  
2           Indian affairs;

3           (2) after 1646, there were 2 sections of  
4           Nansemonds in communication with each other, the  
5           Christianized Nansemonds in Norfolk County, who  
6           lived as citizens, and the traditionalist Nansemonds,  
7           who lived further west;

8           (3) in 1638, according to an entry in a 17th cen-  
9           tury sermon book still owned by the Chief's family, a  
10          Norfolk County Englishman married a Nansemond  
11          woman;

12          (4) that man and woman are lineal ancestors of  
13          all of members of the Nansemond Indian tribe alive  
14          as of the date of enactment of this Act, as are some  
15          of the traditionalist Nansemonds;

16          (5) in 1669, the 2 Nansemond sections appeared  
17          in Virginia Colony's census of Indian bowmen;

18          (6) in 1677, Nansemond Indians were signato-  
19          ries to the Treaty of 1677 with the King of England;

20          (7) in 1700 and 1704, the Nansemonds and other  
21          Virginia Indian tribes were prevented by Virginia  
22          Colony from making a separate peace with the Iro-  
23          quois;

24          (8) Virginia represented those Indian tribes in  
25          the final Treaty of Albany, 1722;

1           (9) in 1711, a Nansemond boy attended the In-  
2           dian School at the College of William and Mary;

3           (10) in 1727, Norfolk County granted William  
4           Bass and his kinsmen the “Indian privileges” of  
5           clearing swamp land and bearing arms (which privi-  
6           leges were forbidden to other non-Whites) because of  
7           their Nansemond ancestry, which meant that Bass  
8           and his kinsmen were original inhabitants of that  
9           land;

10          (11) in 1742, Norfolk County issued a certificate  
11          of Nansemond descent to William Bass;

12          (12) from the 1740s to the 1790s, the tradition-  
13          alist section of the Nansemond tribe, 40 miles west of  
14          the Christianized Nansemonds, was dealing with res-  
15          ervation land;

16          (13) the last surviving members of that section  
17          sold out in 1792 with the permission of the Common-  
18          wealth of Virginia;

19          (14) in 1797, Norfolk County issued a certificate  
20          stating that William Bass was of Indian and English  
21          descent, and that his Indian line of ancestry ran di-  
22          rectly back to the early 18th century elder in a tradi-  
23          tionalist section of Nansemonds on the reservation;

1           (15) in 1833, Virginia enacted a law enabling  
2           people of European and Indian descent to obtain a  
3           special certificate of ancestry;

4           (16) the law originated from the county in which  
5           Nansemonds lived, and mostly Nansemonds, with a  
6           few people from other counties, took advantage of the  
7           new law;

8           (17) a Methodist mission established around  
9           1850 for Nansemonds is currently a standard Meth-  
10          odist congregation with Nansemond members;

11          (18) in 1901, Smithsonian anthropologist James  
12          Mooney—

13                 (A) visited the Nansemonds; and

14                 (B) completed a tribal census that counted  
15                 61 households and was later published;

16          (19) in 1922, Nansemonds were given a special  
17          Indian school in the segregated school system of Nor-  
18          folk County;

19          (20) the school survived only a few years;

20          (21) in 1928, University of Pennsylvania an-  
21          thropologist Frank Speck published a book on modern  
22          Virginia Indians that included a section on the  
23          Nansemonds; and

1           (22) *the Nansemonds were organized formally,*  
2           *with elected officers, in 1984, and later applied for*  
3           *and received State recognition.*

4 **SEC. 262. DEFINITIONS.**

5           *In this subtitle:*

6           (1) *SECRETARY.*—*The term “Secretary” means*  
7           *the Secretary of the Interior.*

8           (2) *TRIBAL MEMBER.*—*The term “tribal mem-*  
9           *ber” means—*

10                   (A) *an individual who is an enrolled mem-*  
11                   *ber of the Tribe as of the date of enactment of*  
12                   *this Act; and*

13                   (B) *an individual who has been placed on*  
14                   *the membership rolls of the Tribe in accordance*  
15                   *with this subtitle.*

16           (3) *TRIBE.*—*The term “Tribe” means the*  
17           *Nansemond Indian Tribe.*

18 **SEC. 263. FEDERAL RECOGNITION.**

19           (a) *FEDERAL RECOGNITION.*—

20                   (1) *IN GENERAL.*—*Federal recognition is ex-*  
21                   *tended to the Tribe.*

22                   (2) *APPLICABILITY OF LAWS.*—*All laws (includ-*  
23                   *ing regulations) of the United States of general appli-*  
24                   *cability to Indians or nations, Indian tribes, or bands*  
25                   *of Indians (including the Act of June 18, 1934 (25*

1       *U.S.C. 461 et seq.) that are not inconsistent with*  
2       *this subtitle shall be applicable to the Tribe and tribal*  
3       *members.*

4       ***(b) FEDERAL SERVICES AND BENEFITS.—***

5               ***(1) IN GENERAL.—****On and after the date of en-*  
6       *actment of this Act, the Tribe and tribal members*  
7       *shall be eligible for all services and benefits provided*  
8       *by the Federal Government to federally recognized In-*  
9       *dian tribes without regard to the existence of a res-*  
10       *ervation for the Tribe.*

11               ***(2) SERVICE AREA.—****For the purpose of the de-*  
12       *livery of Federal services to tribal members, the serv-*  
13       *ice area of the Tribe shall be considered to be the area*  
14       *comprised of the cities of Chesapeake, Hampton, New-*  
15       *port News, Norfolk, Portsmouth, Suffolk, and Virginia*  
16       *Beach, Virginia.*

17       **SEC. 264. MEMBERSHIP; GOVERNING DOCUMENTS.**

18       *The membership roll and governing documents of the*  
19       *Tribe shall be the most recent membership roll and gov-*  
20       *erning documents, respectively, submitted by the Tribe to*  
21       *the Secretary before the date of enactment of this Act.*

22       **SEC. 265. GOVERNING BODY.**

23       *The governing body of the Tribe shall be—*

24               ***(1)*** *the governing body of the Tribe in place as*  
25       *of the date of enactment of this Act; or*

1           (2) *any subsequent governing body elected in ac-*  
2           *cordance with the election procedures specified in the*  
3           *governing documents of the Tribe.*

4 **SEC. 266. RESERVATION OF THE TRIBE.**

5           (a) *IN GENERAL.*—*Upon the request of the Tribe, the*  
6           *Secretary of the Interior—*

7                   (1) *shall take into trust for the benefit of the*  
8           *Tribe any land held in fee by the Tribe that was ac-*  
9           *quired by the Tribe on or before January 1, 2007, if*  
10           *such lands are located within the boundaries of the*  
11           *city of Suffolk, the city of Chesapeake, or Isle of Wight*  
12           *County, Virginia; and*

13                   (2) *may take into trust for the benefit of the*  
14           *Tribe any land held in fee by the Tribe, if such lands*  
15           *are located within the boundaries of the city of Suf-*  
16           *folk, the city of Chesapeake, or Isle of Wight County,*  
17           *Virginia.*

18           (b) *DEADLINE FOR DETERMINATION.*—*The Secretary*  
19           *shall make a final written determination not later than*  
20           *three years of the date which the Tribe submits a request*  
21           *for land to be taken into trust under subsection (a)(2) and*  
22           *shall immediately make that determination available to the*  
23           *Tribe.*

24           (c) *RESERVATION STATUS.*—*Any land taken into trust*  
25           *for the benefit of the Tribe pursuant to this paragraph shall,*

1 *upon request of the Tribe, be considered part of the reserva-*  
2 *tion of the Tribe.*

3 (d) *GAMING.*—*The Tribe may not conduct gaming ac-*  
4 *tivities as a matter of claimed inherent authority or under*  
5 *the authority of any Federal law, including the Indian*  
6 *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*  
7 *any regulations thereunder promulgated by the Secretary*  
8 *or the National Indian Gaming Commission.*

9 **SEC. 267. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
10 **WATER RIGHTS.**

11 *Nothing in this subtitle expands, reduces, or affects in*  
12 *any manner any hunting, fishing, trapping, gathering, or*  
13 *water rights of the Tribe and members of the Tribe.*

14 **TITLE III—LITTLE SHELL TRIBE**  
15 **OF CHIPPEWA INDIANS**

16 **SEC. 301. SHORT TITLE.**

17 *This title may be cited as the “Little Shell Tribe of*  
18 *Chippewa Indians Restoration Act of 2016”.*

19 **SEC. 302. FINDINGS.**

20 *Congress finds that—*

21 (1) *the Little Shell Tribe of Chippewa Indians is*  
22 *a political successor to signatories of the Pembina*  
23 *Treaty of 1863, under which a large area of land in*  
24 *the State of North Dakota was ceded to the United*  
25 *States;*

1           (2) *the Turtle Mountain Band of Chippewa of*  
2 *North Dakota and the Chippewa-Cree Tribe of the*  
3 *Rocky Boy’s Reservation of Montana, which also are*  
4 *political successors to the signatories of the Pembina*  
5 *Treaty of 1863, have been recognized by the Federal*  
6 *Government as distinct Indian tribes;*

7           (3) *the members of the Little Shell Tribe con-*  
8 *tinue to live in the State of Montana, as their ances-*  
9 *tors have for more than 100 years since ceding land*  
10 *in the State of North Dakota as described in para-*  
11 *graph (1);*

12           (4) *in the 1930s and 1940s, the Tribe repeatedly*  
13 *petitioned the Federal Government for reorganization*  
14 *under the Act of June 18, 1934 (25 U.S.C. 461 et*  
15 *seq.) (commonly known as the “Indian Reorganiza-*  
16 *tion Act”);*

17           (5) *Federal agents who visited the Tribe and*  
18 *Commissioner of Indian Affairs John Collier attested*  
19 *to the responsibility of the Federal Government for the*  
20 *Tribe and members of the Tribe, concluding that*  
21 *members of the Tribe are eligible for, and should be*  
22 *provided with, trust land, making the Tribe eligible*  
23 *for reorganization under the Act of June 18, 1934 (25*  
24 *U.S.C. 461 et seq.) (commonly known as the “Indian*  
25 *Reorganization Act”);*

1           (6) *due to a lack of Federal appropriations dur-*  
2 *ing the Depression, the Bureau of Indian Affairs*  
3 *lacked adequate financial resources to purchase land*  
4 *for the Tribe, and the members of the Tribe were de-*  
5 *nieed the opportunity to reorganize;*

6           (7) *in spite of the failure of the Federal Govern-*  
7 *ment to appropriate adequate funding to secure land*  
8 *for the Tribe as required for reorganization under the*  
9 *Act of June 18, 1934 (25 U.S.C. 461 et seq.) (com-*  
10 *monly known as the “Indian Reorganization Act”),*  
11 *the Tribe continued to exist as a separate community,*  
12 *with leaders exhibiting clear political authority;*

13           (8) *the Tribe, together with the Turtle Mountain*  
14 *Band of Chippewa of North Dakota and the Chip-*  
15 *pewa-Cree Tribe of the Rocky Boy’s Reservation of*  
16 *Montana, filed 2 lawsuits under the Act of August 13,*  
17 *1946 (60 Stat. 1049) (commonly known as the “In-*  
18 *dian Claims Commission Act”), to petition for addi-*  
19 *tional compensation for land ceded to the United*  
20 *States under the Pembina Treaty of 1863 and the*  
21 *McCumber Agreement of 1892;*

22           (9) *in 1971 and 1982, pursuant to Acts of Con-*  
23 *gress, the tribes received awards for the claims de-*  
24 *scribed in paragraph (8);*

1           (10) *in 1978, the Tribe submitted to the Bureau*  
2 *of Indian Affairs a petition for Federal recognition,*  
3 *which is still pending as of the date of enactment of*  
4 *this Act; and*

5           (11) *the Federal Government, the State of Mon-*  
6 *tana, and the other federally recognized Indian tribes*  
7 *of the State have had continuous dealings with the*  
8 *recognized political leaders of the Tribe since the*  
9 *1930s.*

10 **SEC. 303. DEFINITIONS.**

11 *In this title:*

12           (1) *MEMBER.*—*The term “member” means an*  
13 *individual who is enrolled in the Tribe pursuant to*  
14 *section 307.*

15           (2) *SECRETARY.*—*The term “Secretary” means*  
16 *the Secretary of the Interior.*

17           (3) *TRIBE.*—*The term “Tribe” means the Little*  
18 *Shell Tribe of Chippewa Indians of Montana.*

19 **SEC. 304. FEDERAL RECOGNITION.**

20           (a) *IN GENERAL.*—*Federal recognition is extended to*  
21 *the Tribe.*

22           (b) *EFFECT OF FEDERAL LAWS.*—*Except as otherwise*  
23 *provided in this title, all Federal laws (including regula-*  
24 *tions) of general application to Indians and Indian tribes,*  
25 *including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)*

1 *(commonly known as the “Indian Reorganization Act”),*  
2 *shall apply to the Tribe and members.*

3 **SEC. 305. FEDERAL SERVICES AND BENEFITS.**

4 *(a) IN GENERAL.—Beginning on the date of enactment*  
5 *of this Act, the Tribe and each member shall be eligible for*  
6 *all services and benefits provided by the United States to*  
7 *Indians and federally recognized Indian tribes, without re-*  
8 *gard to—*

9 *(1) the existence of a reservation for the Tribe;*

10 *or*

11 *(2) the location of the residence of any member*  
12 *on or near an Indian reservation.*

13 *(b) SERVICE AREA.—For purposes of the delivery of*  
14 *services and benefits to members, the service area of the*  
15 *Tribe shall be considered to be the area comprised of Blaine,*  
16 *Cascade, Glacier, and Hill Counties in the State of Mon-*  
17 *tana.*

18 **SEC. 306. REAFFIRMATION OF RIGHTS.**

19 *(a) IN GENERAL.—Nothing in this title diminishes*  
20 *any right or privilege of the Tribe or any member that ex-*  
21 *isted before the date of enactment of this Act.*

22 *(b) CLAIMS OF TRIBE.—Except as otherwise provided*  
23 *in this title, nothing in this title alters or affects any legal*  
24 *or equitable claim of the Tribe to enforce any right or privi-*  
25 *lege reserved by, or granted to, the Tribe that was wrong-*

1 *fully denied to, or taken from, the Tribe before the date of*  
2 *enactment of this Act.*

3 **SEC. 307. MEMBERSHIP ROLL.**

4 (a) *IN GENERAL.*—*As a condition of receiving recogni-*  
5 *tion, services, and benefits pursuant to this title, the Tribe*  
6 *shall submit to the Secretary, by not later than 18 months*  
7 *after the date of enactment of this Act, a membership roll*  
8 *consisting of the name of each individual enrolled as a*  
9 *member of the Tribe.*

10 (b) *DETERMINATION OF MEMBERSHIP.*—*The quali-*  
11 *fications for inclusion on the membership roll of the Tribe*  
12 *shall be determined in accordance with sections 1 through*  
13 *3 of article 5 of the constitution of the Tribe dated Sep-*  
14 *tember 10, 1977 (including amendments to the constitu-*  
15 *tion).*

16 (c) *MAINTENANCE OF ROLL.*—*The Tribe shall main-*  
17 *tain the membership roll under this section.*

18 **SEC. 308. TRANSFER OF LAND.**

19 (a) *HOMELAND.*—*The Secretary shall acquire, for the*  
20 *benefit of the Tribe, trust title to 200 acres of land within*  
21 *the service area of the Tribe to be used for a tribal land*  
22 *base.*

23 (b) *ADDITIONAL LAND.*—*The Secretary may acquire*  
24 *additional land for the benefit of the Tribe pursuant to sec-*

1 *tion 5 of the Act of June 18, 1934 (25 U.S.C. 465) (com-*  
2 *monly known as the “Indian Reorganization Act”).*



Union Calendar No. 663

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3764**

[Report No. 114-847]

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## **A BILL**

To provide that an Indian group may receive Federal acknowledgment as an Indian tribe only by an Act of Congress, and for other purposes.

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DECEMBER 7, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed